

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN BILL THOMAS**, on January 19, 2001 at 3:00 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Bill Thomas, Chairman (R)  
Rep. Roy Brown, Vice Chairman (R)  
Rep. Trudi Schmidt, Vice Chairman (D)  
Rep. Tom Dell (D)  
Rep. John Esp (R)  
Rep. Daniel Fuchs (R)  
Rep. Dennis Himmelberger (R)  
Rep. Larry Jent (D)  
Rep. Michelle Lee (D)  
Rep. Brad Newman (D)  
Rep. Holly Raser (D)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Jim Shockley (R)  
Rep. James Whitaker (R)

**Members Excused:** Rep. Tom Facey (D)  
Rep. Mark Noennig (R)  
Rep. Diane Rice (R)

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Pati O'Reilly, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 296, HB 269, 1/16/2001  
Executive Action: HB 296; HB 269

**HEARING ON HB 296**

**Sponsor:** REP. CLARICE SCHRUMPF, HD 12, Billings, MT

**Proponents:** Twila Costigan, MSFAPA, Helena  
Jackie Biel, MSFAPA, Billings  
Donna Buska, MSFAPA, East Helena  
Stephen Parrish, MSFAPA, East Helena  
Cleo Klepzig, MSFAPA, East Helena  
Shirley Cole, Catholic Social Services  
Sharon Hoff-Brodowy, Mt. Catholic Conference  
Steven Ertelt, Mt. Right to Life  
Steve Yeakel, Mt. Council for Maternal & Child  
Health  
Rep. Trudi Schmidt, HD 42, Great Falls, MT

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. CLARICE SCHRUMPF, HD 12, Billings,** stated that the purpose of this bill, which was brought forward by the Montana State Adoptive Parents' Association, is to provide adoptive families with the help and support they need to remain a cohesive family. There are more adoptions of abused and neglected children occurring than ever before, and these children have experienced severe physical and sexual abuse, parental separation and a history of failed relationships. Many of the children suffer from various behavior problems, developmental or physical disabilities, and may have family histories of mental illness or addictive behaviors. Adoption through the child welfare system may mean an end to the child's journey, but often the child does not know how to be a part of a family and the transition into the adoptive family is very difficult. The child may exhibit unacceptable behaviors. Although the state asks adoptive parents to make a lifelong commitment to the child, sometimes the adjustments fail, and the child must be removed from the home so once again feels that she or he has failed. This bill asks for relatively simple services to help the adoptive families. **{Tape : 1; Side : A; Approx. Time Counter : 0.1 - 4.7}**

**Proponents' Testimony:**

**Twila Costigan, Helena,** a foster parent who has worked in the child welfare system for the past 19 years and now operates an adoption program through Intermountain Children's Home, said that in the past five years there have been approximately 900 finalized adoptions through the Division of Child and Family Services. This

bill would provide the following services to adoptive children and families: tracking adoption disruptions, toll-free resource and referral telephone number, respite services, monthly support groups, counseling, and post-adoption workers to coordinate the other services. These services would address needs that have been identified by adoptive families through surveys, and will save the state money by helping maintain children in their adoptive homes and keeping them out of more expensive placements. **{EXHIBIT(1) Tape : 1; Side : A; Approx. Time Counter : 4.7 - 14.3}**

**Jackie Biel, Billings**, licensed foster parent and adoptive parent of four children, described the problems and needs of her adopted children and stated that this bill will provide needed services for adoptive families. She urged support for abused and neglected children, for they, too, are our future. **EXHIBIT(2) {Tape : 1; Side : A; Approx. Time Counter : 14.5 - 23.3}**

**Donna Buska, Helena, MSFAPA**, licensed foster parent for seven years and a therapeutic foster parent through the PATH program for the past year, described problems and needs of her foster children due to their prior abuse and neglect. Services she believes are needed are respite care to give the parents and the children a break from each other, a support group for talking with others who have been there, a social worker to call, and counseling for herself and her foster child. She had applied for the PATH therapeutic family care program because of the services it provides. It is funded through DPHHS, Addictive and Mental Disability Division, and has provided her with training, respite care, therapy for herself and her foster daughter, and the support of a treatment coordinator and team of professionals who are helping her to help her daughter. Without these services, she would have asked the state to remove the child from her home due to her behavioral problems. The services provided by this bill are essential for foster and adoptive parents. **{Tape : 1; Side : A; Approx. Time Counter : 23.5 - 30}**

**Stephen Parrish, East Helena, MSFAPA** and his wife Sue have been foster parents in Montana through the Casey Family Program for 10 years and have an adopted son as well as a foster daughter they plan to adopt. The Casey Program provides the services to their foster parents and children that will be provided to others if this bills passes. **EXHIBIT(3) {Tape : 1; Side : B; Approx. Time Counter : 0 - 6.2}**

**Cleo Klepzig, East Helena, MSFAPA**, has four adopted children and has been a licensed foster parent through Child and Family Services since 1987. After they adopted their foster son, who was born with multiple birth defects, supported services for the family stopped. They could use respite care and professional support, and she urges

support of this bill and the post-adoption services it would provide. **EXHIBIT (4) {Tape : 1; Side : B; Approx. Time Counter : 6.2 - 8.5}**

**Shirley Cole, Program Director for the Montana Treasure Book**, which is published by Catholic Social Services with support from the Mt. Dept. of Public Health & Human Services, Division of Child & Family Services, said that the book is a photo listing of children mostly in the permanent custody of the state, who are in need of permanent homes. Because they have special needs, they are harder to place. Persons considering adoption of these special children are concerned about services that would be available after they take the child into their home. A team helps the family and child until the finalization of the adoption, then the family is usually on their own. This bill would provide post-adoption services and help children find a home where they can belong forever. **EXHIBIT (5) {Tape : 1; Side : B; Approx. Time Counter : 8.5 - 11.6}**

**Sharon Hoff-Brodowy, Montana Catholic Conference**, believes that it is important to realize that the family is one of the most fundamental structures in our society, and our state's laws, institutions and policies must be there to support families. Social institutions will never replace the family, so we must create structures and helps for families to help them take care of these kids. Anything that costs anything is having a hard life, and a short-lived one, but she urged the committee to please work with the sponsor and the community group that came to present their testimony to try to work through those financial pieces so support can be provided for these families. They are doing an absolutely incredible job of trying to support these kids that are so horribly damaged. Every child, every family deserves to have an opportunity to be complete and whole. **{Tape : 1; Side : B; Approx. Time Counter : 11.7 - 15.3}**

**Steven Ertelt, Executive Director of Mt. Right to Life**, representing 40,000 member families, stated that they are in strong support of the bill. For 29 years, Mt. Right to Life has been promoting adoption over abortion and would like to see the adoption process be one that is effective and efficient for these families. Perhaps if families can be helped after they have made the choice for adoption, especially with special needs children who may be physically or mentally handicapped, more families will be encouraged to make the choice for adoption. Although committee members may think the bill costs too much money, he urged them to work with the sponsor to take a look at beginning this process, even on a modest scale, and perhaps it could be expanded in the future. **{Tape : 1; Side : B; Approx. Time Counter : 15.4 - 16.8}**

**Steve Yeakel, Mt. Council for Maternal and Child Health**, said that he wanted to address his fellow Republicans on the committee, as we are strong supporters of the traditional family and of privatization, but there are times when we don't allocate resources in support of our voices. He encouraged them to look very seriously at this legislation and decide that it is a place where they need to make a difference. **{Tape : 1; Side : B; Approx. Time Counter : 17.1 - 17.8}**

**Rep. Trudi Schmidt, HD 42, Great Falls**, who has worked for a private agency in adoption and group parent counseling, said that parents always asked for and needed support services. These services are needed if these parents are to do the kind of job they need to do as parents, and the children also need the counseling. We might be proud of the fact that we've placed all these children, but we need to be providing follow-up services and this does need to be funded if we're going to have healthy citizens when they are in their adult lives. These problems will be carried on if something isn't done. These services must be funded so these children won't have to seek the services for the rest of their lives. **{Tape : 1; Side : B; Approx. Time Counter : 18.1 - 19.4}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**Rep. Newman** asked the sponsor how the amounts in Section 3, page 2 of the bill were calculated. **Rep. Schrupf** referred question to **Shirley Brown**, Program Bureau Chief for Child and Family Services with DPHHS, Bureau. **Ms. Brown** during the EPP process they had included funding for post-adoption services, the request was deleted. They used figures, derived from some of the information regarding the cost of support groups, respite services, counseling services, and personal services.

**Rep. Lee** asked if this info could be put on the DPHHS web site. **Drew Dawson** explained the virtual pavilion is an information resource for DPHHS. He thought some information could be added.

**Rep. Lee** asked **Shirley Brown** if adding a statutory appropriation, that needed adjusting in the future, would cause a problem? **Ms. Brown:** if it's a statutory appropriation, it would fall under the department that controlled the program and be reviewed every two years. **Rep. Lee** how would the appropriation be increased, without a change in law. **David Niss** said the appropriation for this bill

was not a statutory appropriation. The reference to FY 2002 and 2003 on page two of this bill means that it is temporarily law, and that appropriation will expire at the end of FY 03.

**Rep. Esp.** asked for clarification of the **Casey Family Program** and **Mr. Parrish** explained it is funded by an endowment through Jim Casey and the UPS organization. *{Tape : 1; Side : B; Approx. Time Counter : 20.3 - 29.2}*

**Closing by Sponsor:**

**Rep. Clarice Schrumpf** closed by saying, we cannot afford to abandon these adoptive parents after the adoption is finalized. They still need our support, just as the children do. This bill is about children and adoptive parents who have survived incredible trauma; and it's about keeping these kids in their adoptive families and keeping the entire family together. The bill is about the rest of us taking responsibility for the future of abused and neglected children in the system, children who were removed from birth families and placed in these wonderful adoptive families. These adoptive families and these kids need our continued support. **EXHIBIT(6) EXHIBIT(7) EXHIBIT(8) EXHIBIT(9)** *{Tape : 1; Side : B; Approx. Time Counter : 29.2 - 30.4}*

**HEARING ON HB 269**

**Sponsor:** REP. EILEEN CARNEY, HD 82, Libby

**Proponents:** Don Judge, AFL-CIO

Patrick Judge, Mt. Environmental Information Center

Matthew Leow, MontPIRG

Al Smith, Mt. Trial Lawyers' Assn.

Gene Fenderson, Mt. Joint Heavy & Highway Committee

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. EILEEN CARNEY, HD 82, Libby,** said that most of the committee members are aware of the pain that the people of Libby have been experiencing in the last few years. For about 30 years W. R. Grace owned a vermiculite mine in Libby. Unfortunately, there was asbestos along with the vermiculite in the mines, and when the workers were processing the vermiculite, they had to work through clouds of asbestos dust. Sometimes the dust was so thick that they

couldn't even see through it; they couldn't even see each other when they were working in the same room. As a result, quite a few people have died from asbestosis in Libby. Repeated efforts to force W. R. Grace to clean up the mine and make it safe for the workers were unheeded. Not only were the miners exposed to the dust, but because their clothes were all covered with it and their wives were exposed to asbestos when they washed the clothes, a number of women have also died from asbestosis as a result. Children were also exposed through the miners' clothing, as well as from playing in ballparks that were built by W. R. Grace using mine tailings, and many of them are now grown and also suffering from asbestosis. People in Libby have also died from an extremely rare form of cancer. The Agency for Toxic Substance and Disease Registry, part of the EPA, who did a study of people who had died within a 10-mile radius of Libby, during 1979 and 1998, found that the death rate from asbestosis in Libby is 40 times the rate in the rest of Montana and 60 times higher than for the country as whole. Libby has the second highest rate of asbestosis for any city in the entire country.

House Bill 269 would provide a half-time person in Libby that would be contracted through the Senior Long-term Health Care Division of the Dept. of Health and Human Services. There are several programs available through the federal government, but they must be accessed through a state agency. This person would try to find these programs and inform the people of Libby of what help might be available to them. This is a very small bill with very big consequences for the people of Libby. There are so many people who are affected, and they need a lot of help. Several of the proponents who intended to be here from Libby were unable to come. **{Tape : 2; Side : A; Approx. Time Counter : 0 - 7.2}**

### **Proponents' Testimony:**

**Don Judge, AFL-CIO,** supports the bill. The former mine was unionized, and of the last five local union presidents, two are dead, two are dying from asbestos-related diseases, and the fifth is getting consistent check-ups to make sure that he hasn't yet developed any form of asbestos-related disease. Almost 200 people of Libby have already died, 400 more have been confirmed as affected, and estimates are that anywhere from 600 to 900 additional citizens in Libby will be diagnosed with some form of asbestos-related disease. The problem that began in Libby has been spreading throughout the country and the world, as vermiculite produced by W. R. Grace laced with asbestos was shipped and made into turf builder, insulation and other products. The W. R. Grace Company has stalled, covered up, lied, stonewalled, and is now seeking public assistance and protection for bankruptcy as a result of their action. They knew as early as 1965 what they were doing to the workers and to the community of Libby. This topic is a topic of

newspaper and news stories throughout the country, and everybody in the country understands just how important this issue is and how big it is and how people are suffering. Yet the State of Montana has yet to reach out and do what needs to be done. We have to do more. We have to provide someone, some individual in that community, a place, a telephone and a face for the people of that community to begin making those telephone calls to, to stop in and talk to, to talk to them about the avenues where they can get exams, referrals for treatment, getting their homes or yards cleaned up, and any other form of assistance that they might be looking towards. We would hope that this committee will recognize just how severe this issue is and will think about taking this bill and appropriating twice as much money and putting somebody up there full time, because if you are dealing with 900 to maybe 1400 individuals right now, not counting all of those who have questions yet to be asked or answered, that one half-time person isn't going to be able to handle that. This is a very important bill to Montana and would be a signal to the rest of the country as to whether or not we here in Montana care about what we've done to the rest of America. **{Tape : 2; Side : A; Approx. Time Counter : 7.3 - 14}**

**Patrick Judge, Mt. Environmental Information Center**, said that this is a modest measure in comparison to the scope, the truly staggering proportion of this public health tragedy. We need to take immediate and significant action. Libby needs a liaison to work with federal agencies to secure the funding that they desperately need. There are three areas of public health need in particular in which this position could be of help: medical screening, funding for C.T. scans, and mental health care. MEIC believes that human health and environmental health go hand in hand and supports passage of this bill. **{Tape : 2; Side : A; Approx. Time Counter : 14.2 - 16.8}**

**Matthew Leow, Montana Public Interest Research Group (MontPIRG), EXHIBIT (10)** **{Tape : 2; Side : A; Approx. Time Counter : 17 - 19.4}**

**Al Smith, Mt. Trial Lawyers' Assn.**, said that the trial lawyers were the ones that "let the cat out of the bag." Folks in Libby went to the trial lawyers and asked what could be done for them, because people were dying. This bill will help the citizens of Libby access the services they need, and he encouraged the committee to make the position full-time. **{Tape : 2; Side : A; Approx. Time Counter : 19.5 - 21.3}**

**Gene Fenderson, Mt. Joint Heavy & Highway Committee**, which is made up of members of the Laborers', Teamsters', Operating Engineers', Ironworkers', and Cement Finishers' Unions, urges support for the bill. Over the years, they've had literally hundreds of thousands of their members work in the Libby area, especially during



construction of the Libby Dam, and are beginning now to research the health care records of their own members. **{Tape : 2; Side : A; Approx. Time Counter : 21.5 - 23.1}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**{Tape : 2; Side : A; Approx. Time Counter : 23.8 - 30.4}**

**Rep. Brown** asked the sponsor what the federal programs are and what they do that the half-time employee would be working with. **Rep. Carney** said that we really don't know. When Senator Max Baucus was in Libby talking with some of the victims, he said that there are some federal programs out there, but you have to have some state agency to work through to get the money. So we don't really know what's even out there, and that would be part of the job for this person, to research and see what's available and then inform the people in Libby of what possibilities there might be.

**Rep. Brown** asked **Mr. Smith** about the meaning of some testimony about the EPA conducting a study that said there was a hundred percent death projection for workers exposed to asbestos dust. **Mr. Smith** said he hadn't testified on that and didn't know which report it came from. **Rep. Brown** redirected the question to **Mr. Leow**, who had submitted the testimony, asking him if it meant that everyone who had been exposed to asbestos dust would die. **Mr. Leow** said he believed the study referred to the death rate of workers who are exposed to the dust on a day-to-day basis. **Rep. Brown** asked if the study was kept secret, and **Mr. Leow** said it was. **Rep. Brown** asked what the basis was for that conclusion and said that **Mr. Leow** could talk to him about it after the conclusion of the hearing.

**Rep. Himmelberger** asked the sponsor about the current involvement of W. R. Grace in the situation. **Rep. Carney** said as little as possible, and they are trying very hard to have nothing to do. You have to push them and push them and push them to get them to do anything at all. Right now there are 140 cases pending, people who are suing W. R. Grace just to make them accountable for what they did. They have said that they will pay the medical expenses of anybody that is affected with asbestosis, but they set the barrier so high that even several of the people who have died can't even qualify for their medical services. They only pay for very, very few people. Probably right now they are trying to hide some of their assets so that they can go bankrupt. **Rep. Himmelberger** asked **Rep. Carney** if any requests had been made of W. R. Grace to pay for

a position such as what she is asking the state to pay for. **Rep. Carney** said that she didn't think so, because it is just so hard to get anything out of them, and also because it was her understanding that they had to go through a state agency.

*{Tape : 2; Side : B; Approx. Time Counter : 0 - 10.4}*

**Rep. Ripley** asked the sponsor what kind of an applicant they would be looking at for a half-time position at a salary of \$18,500, and would those people be available. **Rep. Carney** said that Libby has a very high unemployment rate and there are people there who currently do this kind of thing, look for grants, so there are people who are experienced. This might be something that people with young children who like to work at home could do. Finding a person to do it would be no problem. **Rep. Ripley** asked what the qualifications would be. **Rep. Carney** said the people she was thinking of are all college graduates and all have been involved in finding grants for other groups of people and have some experience doing it. She doesn't know what other kinds of qualifications might be necessary, but would think someone who knows their way around the grant process and knows computers and the internet. **Rep. Ripley** asked if the person basically would be a grant writer. **Rep. Carney** said they don't really know, which is part of the problem. They just know there are things out there but don't know what or where they are. The asbestos support group in Libby said they don't have the expertise or time to look so wanted somebody who could look for these things.

**Rep. Raser** asked the sponsor if the State of Montana received taxes from the W. R. Grace Company during the time that they were operating. **Rep. Carney** said yes. **Rep. Raser** asked if these taxes were in excess of \$18,500. **Rep. Carney** said probably they were, just a little tiny bit. **Rep. Raser** asked if these taxes went into the general fund, where the appropriation for this position would come from. **Rep. Carney** said she thought that would be true.

**Rep. Newman** asked **Don Judge** what the unions are doing to render aid to the families in Libby. **Mr. Judge** said this whole thing began a couple of years ago when it was first exposed. The first case came down through the state Supreme Court ruling that a worker was entitled to sue W. R. Grace as a result of not being covered under Workers' Compensation protection for occupational disease. The legislature was considering a bill that would have put these people retroactively under Workers' Compensation and therefore deny them access to suing W. R. Grace. The unions became involved in that aspect, and have been involved with members of the trial lawyers and conservation community with exposing this issue to the public to make sure that everyone understands what the extent of this problem has been. The unions have worked through the Environmental

Protection Agency and the U.S. Dept. of Public Health and Human Services to try to find them the lists of former employees who worked at W. R. Grace but are no longer in Libby. These workers must be located before they can be screened. The unions have been extensively involved in trying to learn why the EPA and related agencies buried the information, the 1985 report that was produced which, if it had been given to the workers, could have saved literally thousands of lives or helped deal with the problems earlier in Libby. The local labor union, Operating Engineers' Local 375, that represented those workers, disappeared in 1991. They're no longer in existence following the closure of the mine, so we have been aggressively seeking to find the records, to find the employees and have worked to assist folks in trying to do something about resources. That union had initially asked the State Department of Health to come up and investigate the problem in 1964 and 1965, and that was the initial report that said there were problems with the mine. That report was made available to the company but not to the local unions.

**Rep. Newman** asked **Mr. Judge** if it was fair to assume that the labor unions would continue efforts even if a half-time or full-time person were placed up there through DPHHS. **Mr. Judge** said absolutely; they would continue to attend public hearings, write letters and do everything that needs to be done to find some justice for the folks in Libby. **Rep. Newman** asked if the unions would work with this person. **Mr. Judge** said absolutely. They would love to have a singular body to contact instead of agency versus agency. There needs to be a focal point here.

**Rep. Schmidt** asked **Mr. Judge** about the bill he had mentioned during the last legislative session. **Mr. Judge** said it was Senate Bill 213, which would have retroactively covered certain workers under the Occupational Disease Act. Although unintended, it would have effectively denied the right of the former workers to sue W. R. Grace and it was withdrawn by the sponsor. **{Tape : 2; Side : B; Approx. Time Counter : 10.3 - 11}**

**Closing by Sponsor:**

**Rep. Eileen Carney** closed by stating that this isn't a very expensive bill, and everybody is looking for money these days, but with a little bit of money it can do a lot to help a lot of people who are going to need services. **EXHIBIT(11) EXHIBIT(12)**

**EXECUTIVE ACTION ON HB 296**

**Motion/Vote:** REP. SCHRUMPF moved that HB 296 DO PASS. After discussion, REP. FUCHS stated that it was his sense that everybody would vote for the bill, and since it would go to Appropriations anyway, he called the question. **Motion carried 16-0.** (Rep. Shockley voted aye by proxy.) **{Tape : 2; Side : B; Approx. Time Counter : 12 - 19.5}**

**EXECUTIVE ACTION ON HB 269**

**Motion:** REP. SCHMIDT moved that HB 269 DO PASS. **{Tape : 2; Side : B; Approx. Time Counter : 19.6 - 19.9}**

**Motion:** REP. NEWMAN moved that HB 269 BE AMENDED. Rep. Newman explained that the amendment would provide an appropriation of \$37,000 per year to provide a full-time employee to be located in Libby. A full-time employee can deal with these kinds of problems more adeptly and more efficiently than a half-time employee. Discussion. Rep. Ripley asked for clarification as to whether the person would be just a grant writer or would assist residents in locating services, because it's important to have someone available to address the asbestos-related issues and not just grant writing. Rep. Lee suggested using the word "coordinator." Mr. Niss said that the language of the bill is specific and governs what the use of the employee will be for. This would have to be amended. **{Tape : 2; Side : B; Approx. Time Counter : 19.9 - 24.3}**

**Substitute Motion/Vote:** REP. BROWN made a substitute motion to POSTPONE ACTION ON HB 269. This would allow committee members to work with Mr. Niss on amendments. **Substitute motion carried 16-0.** **{Tape : 2; Side : B; Approx. Time Counter : 24.3 - 24.8}**

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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REP. BILL THOMAS, Chairman

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PATI O'REILLY, Secretary

BT/PO/JB

Minutes transcribed by Jan Brown